

M/047/007

**From:** <Pete\_Sokolosky@ut.blm.gov>  
**To:** <nrogm.tgallego@state.ut.us>  
**Date:** 11/13/00 10:06AM  
**Subject:** SF Phosphates' use of borrow material

Tony -

Our office as in receipt of a cc: of the Oct. 31, 2000 letter to SF Phosphates regarding the notice of intent to review their LMO (M/047/007). I was contacted by Ron Ryan about a week ago. He asked about the BLM's position on use of borrow material from split estate lands. The fact that SF Phosphates would have to apply for a mineral material sale from such lands is contained in Advisory #5 to our letter approving SF's plan of operation (UTU76097) - see top of third page to our letter dated August 25, 1999 (cc: provided to your office). Our position would be that we would process an application for a mineral material sale when one is submitted. This would include the appropriate level of environment review as well determining a unit price for the material based upon an appraisal. There is no guarantee that an application for a mineral material sale will result in the issuance of a contract sale.

The mineral material regulations (43 CFR 3600\*) only allow for a five year term to a mineral material sale. Not knowing the actual quantity of borrow material needed from public lands in connection with SF's plan of operation (UTU76097) and the fact that the need is projected to be as much as fifteen years from now, it was probably appropriate not to analyze mineral material needs from public lands or split estate lands as part of environmental assessment UT080-1999-14 (decision record signed July 27, 1999).

Please let me know if you have any questions.

Peter Sokolosky  
Vernal Field Office-BLM

\* the Bureau has issued proposed 43 CFR 3600 rules which would update the current mineral material regulations. The public comment period for the proposed rules is nearing an end.